

EX PARTE OR LATE FILED



Judith D. Argentieri
Government Affairs Director

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February 5, 1997

RECEIVED

FEB 5 - 1997

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

Mr. William F. Caton
Acting Secretary
Federal Communication Commission
1919 M Street, NW-Room 222
Washington, DC 20554

Re: Ex Parte Presentation in CC Docket No. 97-1

Dear Mr. Caton:

Today, at the request of Staff, I submitted the attached documents in the above referenced proceeding: (1) Letter from Edward Becker to Dorothy Wideman, Executive Secretary, Michigan Public Service Commission in regard to AT&T and Ameritech Arbitration (MPSC Case Nos. U-11151 and U-11152), dated December 6, 1996; (2) Letter from Beth M. Johns, Legal Assistant, Dickinson, Wright, Moor, Van Dusen and Freeman, to Larry Salustro of AT&T and Art LaVasseur, of Fisher, Franklin & Ford, dated December 9, 1996; and (3) Letter from Sidney M. Berman, of Fisher, Franklin & Ford, to Dorothy Wideman, Executive Secretary, Michigan Public Service Commission in regard to AT&T and Ameritech Arbitration (MPSC Case Nos. U-11151 and U-11152), dated January 14, 1997.

Two copies of this letter and the attachments are being submitted to the Secretary of the Federal Communications Commission in accordance with Section 1.1206(a)(1) of the Commission's Rules.

Sincerely,

A handwritten signature in cursive script that reads "Judy Argentieri".

Attachments

cc: Melissa Waksman
Brent Olson

No. of Copies rec'd
List ABCDE

042

DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN
COUNSELLORS AT LAW
SUITE 200
315 SOUTH WASHINGTON SQUARE
LANSING, MICHIGAN 48933-1812
TELEPHONE 517 374730
FACSIMILE 517 4824700

EDWARD R. BECKER
517 4824700

DETROIT, MICHIGAN
BLOOMFIELD HILLS, MICHIGAN
GRAND RAPIDS, MICHIGAN
WASHINGTON, D.C.
CHICAGO, ILLINOIS
WARSAW, POLAND

December 6, 1996

MICHIGAN PUBLIC SERVICE
FILED

Ms. Dorothy Wideman
Executive Secretary
Michigan Public Service Commission
6545 Mercantile Way
Lansing, MI 48909

DEC - 6 1996

COMMISSION

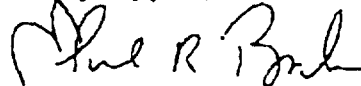
Re: Petition for Arbitration of Interconnection Terms, Conditions
and Prices from AT&T Communications of Michigan, Inc.
Case No. U-11151 and U-11152

Dear Ms. Wideman:

Pursuant to the Commission's direction in its Order of November 26, 1996 in the above-captioned case, enclosed is an original and 15 copies of the Interconnection Agreement between Ameritech Michigan and AT&T Communications of Michigan, Inc. that complies with the Commission's Order. This is a joint filing of Ameritech Michigan and AT&T. The parties also wish to inform the Commission that three issues remain unresolved in the attached Interconnection Agreement. These three issues are set forth in the Interconnection Agreement at Section 13.2, Schedule 10.9.6, paragraph 2, and Item V of the Pricing Schedules.

If you have any questions, please do not hesitate to contact me directly.

Very truly yours,



Edward R. Becker

ERB:rs
Enclosure

DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN

Ms. Dorothy Wideman
December 6, 1996
Page 2

cc: Arthur Levasseur, Esq. (w/ encl)
Larry Salustro, Esq. (w/ encl)

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COUNSELLORS AT LAW
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215 SOUTH WASHINGTON SQUARE
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GRAND RAPIDS, MICHIGAN
WASHINGTON, D.C.
CHICAGO, ILLINOIS

BETH M. JOHNS
LEGAL ASSISTANT
(517) 487-4770

December 9, 1996

Mr. Larry Salustro
AT&T Communications of Michigan
4660 South Hagadorn Road
Suite 640
E. Lansing, MI 48823

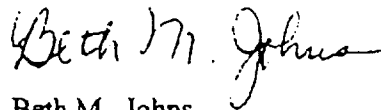
Mr. Art LaVasseur
Fisher, Franklin & Ford
3500 Guardian Building
Detroit, MI 48226

Re: AT&T Arbitration

Dear Messrs. Salustro and LeVasseur:

Enclosed is a copy of the Interconnection Agreement between Ameritech Michigan and AT&T Communications of Michigan filed with the Michigan Public Service Commission today. Should you have any questions, please do not hesitate to contact our office.

Sincerely,



Beth M. Johns
Legal Assistant

BMJ:bmj
Enclosure

cc: Joseph A. Fink, Esq.
Edward R. Becker, Esq.

FISCHER, FRANKLIN & FORD

Attorneys and Counsellors

3500 GUARDIAN BUILDING
DETROIT, MICHIGAN 48226-3801

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HARVEY A. FISCHER

(1900-1977)

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(1904-1980)

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(1903-1983)

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GEORGE HOGG, JR.
WILLIAM J. OLDANI
FRANCIS E. BENTLEY
PAT D. CONNER
WILLIAM V. LEWIS
ARTHUR J. LAVASSEUR
SIDNEY M. BERMAN
DANIEL W. BOELER
LAUREN J. HAMMETT

January 14, 1997

MICHIGAN PUBLIC SERVICE
FILED

JAN 14 1997

COMMISSION

Ms. Dorothy F. Wideman
Executive Secretary Division
Michigan Public Service Commission
6545 Mercantile Way
P.O. Box 30221
Lansing, MI 48909

RE: AT&T - Ameritech Michigan Arbitration
MPSC Case Nos. U-11151 and U-11152

Dear Ms. Wideman:

On December 26, 1996 Ameritech submitted a document to the Commission that was represented to be a joint submission by Ameritech and AT&T pursuant to the Commission's Order of November 26, 1996 in the above-referenced proceedings. Upon review of the document as submitted, AT&T has determined that what was filed by Ameritech contains numerous errors and a significant omission.

On December 9, 1996, AT&T and Ameritech did jointly submit a filing in response to the Commission's November 26, 1996 Order. That filing included certain disputed language as to "shared (common) transport" pricing resulting from the Decision of the Arbitration Panel and the Commission's Order. Subsequently, between the December 9 filing and December 26, 1996, the parties worked to resolve the indemnification, limitation of liability, and standards of performance issues, as to which the Commission in its November 26, 1996 Order rejected both parties' proposals and directed further negotiation. In addition, the parties discussed incorporation of the Commission's December 12, 1996 Orders in Case Nos. U-11155 and U-11156, as provided in the November 26 Order, and other pricing issues.

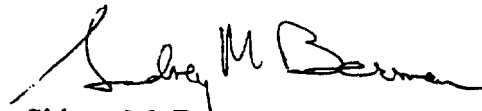
It appears that the December 26, 1996 filing by Ameritech was the product of misunderstandings between the parties as to what was to be included in the document, however. For example, the pricing schedule submitted by Ameritech does not in our view appropriately

Ms. Dorothy F. Wideman
January 14, 1997
Page 2

conform to the Commission's November 26, 1996 Order in this case, its December 12, 1996 Order in MPSC Cases U-11155 and U-11156, and AT&T's understanding of how those orders were to be reflected in the document. Moreover, Ameritech's December 26, 1996 filing omits shared transport pricing entirely. As reflected in our joint filing of December 9, 1996, AT&T's position is that, under the Commission's Order, shared transport is synonymous with common transport (as indicated in Ameritech's August 26th Response to the AT&T Petition for Arbitration, relevant pages of which are attached) and that the rates should be set at the rates for common transport contained in Ameritech's FCC tariff. It is our understanding that Ameritech now takes the position that shared transport is different from common transport (a point not identified by Ameritech during the hearings in this case) and that the common transport rates do not apply.

In brief, it is AT&T's position that the document before the Commission should comprise the pricing schedule included in the joint submission filed December 9, 1996, including the notation reference to the Commission's Orders in Case Nos. U-11155/U-11156, and including the disputed language regarding shared/common transport. The provisions submitted by Ameritech on December 26, 1996 on the issues as to which the Commission had ordered further negotiation in its November 26, 1996 Order accurately reflect the parties' agreement with respect to those matters. Accordingly, enclosed is a complete version of the document conforming to AT&T's position. Also enclosed is Proof of Service.

Very truly yours,



Sidney M. Berman

SMB:dmm

Enclosure

cc: (w/encls.)

Joseph A. Fink, Esq.

**ATTACHMENT TO JANUARY 14, 1997
LETTER FROM AT&T TO MPSC
MPSC NOS. U-11151 AND U-11152**

**MICHIGAN PUBLIC SERVICE
FILED**

JAN 14 1997

COMMISSION

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

| | | |
|--------------------------------------|---|-------------------------------|
| In the matter of: AT&T |) | |
| COMMUNICATIONS OF MICHIGAN, INC. |) | |
| Petition for Arbitration Pursuant to |) | |
| § 252(b) of the Telecommunications |) | Case Nos. U-11151 and U-11152 |
| Act of 1996 to Establish an |) | |
| Interconnection Agreement with |) | |
| MICHIGAN BELL TELEPHONE CO. |) | |
| d/b/a AMERITECH MICHIGAN |) | |

**AMERITECH MICHIGAN'S RESPONSE
TO AT&T'S PETITION FOR ARBITRATION**

Michael A. Holmes
Ameritech Michigan
444 Michigan Avenue
Room 1750
Detroit, MI 48226-2517
(313) 223-8008

Joseph A. Fink
Peter H. Ellsworth
William C. Bertrand, Jr.
DICKINSON, WRIGHT, MOON, VAN DUSEN
& FREEMAN
215 S. Washington Square.
Suite 200
Lansing, MI 48933
(517) 371-1730

assistance, line information database ("LIDB") validation, home NPA directory assistance, customer name and address service, and information call completion. (AM Proposal, Art. IX, § 9.2.7.) The proposal fully complies with the FCC's regulations regarding unbundled access to OS/DA. (47 C.F.R. § 51.319(e)(7).)

The parties may differ slightly as to the nature of Ameritech Michigan's obligation to provide selective routing, unbranding and re-branding of OS/DA. This matter is discussed at Section II.B.1.6. With this possible exception, it does not appear that AT&T's OS/DA proposal differs from Ameritech Michigan's. At the very least, AT&T's arbitration petition does not identify any outstanding issues between the parties. However, to the extent that outstanding issues do exist, Ameritech Michigan's proposed contract terms should be adopted.

AT&T Element Nos. 7, 8, and 9: Dedicated Transport. Common Transport. Tandem Switching. Ameritech Michigan agrees with AT&T that Ameritech Michigan must provide unbundled dedicated transport, common transport, and tandem switching. (Petition at 32-33.) Ameritech Michigan's proposal offers these unbundled network elements (AM Proposal, Art. IX, §§ 9.2.3, 9.2.4), and fully complies with the FCC's regulations (47 C.F.R. §§ 51.319(c)(2), 51.319(d)). It does not appear from AT&T's Petition that (with the exception of price) AT&T takes issue with Ameritech Michigan's offering of dedicated transport, common transport and tandem switching.

AT&T Element Nos. 10 and 11: Signaling Links and STPs. The parties agree that Ameritech Michigan must provide unbundled access to its signaling links and Signal Transfer Points (STPs). (Petition at 33.) Under Ameritech Michigan's proposal,

EXHIBIT A
(AMERITECH'S PROPOSED CONTRACT)

IS SUBMITTED IN A SEPARATE BINDER

**INTERCONNECTION AGREEMENT UNDER SECTIONS 251 AND 252 OF THE
TELECOMMUNICATIONS ACT OF 1996**

Dated as of August __, 1996

by and between

**AMERITECH INFORMATION INDUSTRY SERVICES,
a division of Ameritech Services, Inc.
on behalf of Ameritech Michigan**

and

AT&T COMMUNICATIONS OF MICHIGAN, INC.

- (A) such Network Element is proprietary or contains proprietary information that will be revealed if such Network Element is provided to AT&T on an unbundled basis; and
 - (B) AT&T could offer the same proposed Telecommunications Service through the use of other, nonproprietary Network Elements within Ameritech's network; or
- (2) The Commission concludes that the failure of Ameritech to provide access to such Network Element would not decrease the quality of, and would not increase the financial or administrative cost of, the Telecommunications Service AT&T seeks to offer, compared with providing that service over other unbundled Network Elements in Ameritech's network.

9.1.3 Ameritech shall only be required to make available Network Elements where such Network Elements, including facilities and software necessary to provide such Network Elements, are available. If Ameritech makes available Network Elements that require special construction, AT&T shall pay to Ameritech any applicable special construction charges.

9.2 Network Elements. At the request of AT&T, Ameritech shall provide AT&T access to the following Network Elements on an unbundled basis:

9.2.1 Local Loops, as more fully described on Schedule 9.2.1;

9.2.2 The Network Interface Device, as more fully described on Schedule 9.2.2;

9.2.3 Switching Capability, as more fully described on Schedule 9.2.3;

9.2.4 Interoffice Transmission Facilities, as more fully described on Schedule 9.2.4;

9.2.5 Signaling Links and Call-Related Databases, as more fully described on Schedule 9.2.5;

9.2.6 Operations Support Systems ("OSS") Functions, to be used in conjunction with other Network Elements, as more fully described on Schedule 9.2.6; and

9.2.7 Operator Services and Directory Assistance, as more fully described on Schedule 9.2.7.

SCHEDULE 9.2.4

INTEROFFICE TRANSMISSION FACILITIES

Interoffice Transmission Facilities are Ameritech transmission facilities dedicated to a particular Customer or carrier, or shared by more than one Customer or carrier, that provide Telecommunications Services between Wire Centers owned by Ameritech or AT&T, or between Switches owned by Ameritech or AT&T.

Ameritech provides several varieties of unbundled transmission facilities.

1. "Unbundled dedicated inter-office transport facility" is a facility connecting two Ameritech central offices via Ameritech transmission equipment. In each central office, a Competitive Local Exchange Carrier (CLEC) will cross-connect this facility to its own transmission equipment (physically or virtually) collocated in each wire center, or to other unbundled network elements provided by Ameritech to the extent the requested combination is technically feasible and is consistent with other standards established by the FCC for the combining of unbundled network elements. The appropriate digital cross connect, multiplexing, and Collocation space charges apply at an additional cost.
2. "Unbundled dedicated entrance facility" is a dedicated facility connecting Ameritech's transmission equipment in an Ameritech central office with a requesting carrier's transmission equipment in its wire center for the purposes of providing telecommunications services.
3. "Common transport transmission facilities" are shared transmission facilities between an Ameritech end office switch and an Ameritech tandem.

| | | |
|---|---|--|
| Telephone Numbers | | Monthly Rate |
| ISDN Direct | | .01 |
| DID | | .01 |
| ISDN Prime | | .01 |
| Cross-Connect | | .20 |
| Service Coordination | | 1.15 |
| Non-Recurring Rates | | NRC |
| Service Ordering | | |
| Establish or Add/Change | | 18.09 |
| Record Work Only | | 15.92 |
| Conversion Between Port Types | | 59.07 |
| Centrex Common Block | | 457.98 |
| Customer Training ^{2/} | | 79.88 per hour |
| Custom Routing (Development & Activation) | | 57,507.79 |
| B. | Tandem Switching | |
| | Switching | |
| | Excl. Transport & Trunking Termination | .001415 per |
| | (for Transport & Termination see 6B below) | conve |
| | | minut |
| 6. | Interoffice Transmission Facilities | |
| A. | Dedicated Interoffice Transmission Facilities | |
| | DS1 | Proxied from F.C.C. Tariff No. 2 <u>Section 7.5.9</u> |
| | DS3 | Proxied from F.C.C. Tariff No. 2 <u>Section 7.5.9</u> |
| | OC3 | Proxied from F.C.C. Tariff No. 2 <u>Section 7.5.10</u> |
| | OC12 | Proxied from F.C.C. Tariff No. 2 <u>Section 7.5.10</u> |
| | OC48 | Proxied from F.C.C. Tariff No. 2 <u>Section 7.5.10</u> |
| B. | Shared Interoffice Transmission Facilities | |
| | Unbundled Common Transport Termination | |
| | .000440/minute | |
| | Unbundled Common Transport Facility | |
| | .000011/minute/mile | |

^{2/} Travel and/or out-of-pocket expenses will also be charged to AT&T where Ameritech personnel travel to AT&T designated locations.

DIRECT TESTIMONY
GREGORY J. DUNNY
ON BEHALF OF AMERITECH
MICHIGAN

C. Interoffice Facilities

Q: What are "Interoffice Facilities"?

A: Interoffice Facilities are Ameritech facilities dedicated to a particular customer and carrier (dedicated transport), or shared by more than one customer or carrier (common transport, the provide telecommunications service between wire centers owned by Ameritech or AT&T, or between switches owned by Ameritech or AT&T.

Q: What does Ameritech's Proposed Agreement make available to AT&T in the way of interoffice facilities and connections?

A: As required by the Rules (47 C.F.R. § 51.319(d)(2)), Ameritech's Proposed Agreement provides for dedicated transport, common transport, and tandem switching as unbundled network elements. These services are described on Schedule 9.2.3(2.0) and 9.2.4 of Ameritech's Proposed Agreement.

Q: Are there any disputes regarding these product offerings?

A: With the possible exception of pricing, I am not aware of any disputes with AT&T regarding these products.

D. Access to Call-Related Databases and Signalling for Call Routing and Completion

Q: Under its Proposed Agreement, will Ameritech provide to AT&T nondiscriminatory access to call-related databases and associated signaling used to call routing and completion?

A: Yes. Ameritech's Proposed Agreement provides for nondiscriminatory access to the signalling networks and

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the Matter of Petition of AT&T Communications
of Michigan, Inc. for Arbitration with Michigan
Bell Telephone Company d/b/a Ameritech Michigan
and
In the Matter of Petition of Ameritech Michigan for
Arbitration with AT&T

Case No. U-11151
Case No. U-11152
(Consolidated)

MICHIGAN PUBLIC SERVICE
FILED

JAN 14 1997


PROOF OF SERVICE

COMMISSION

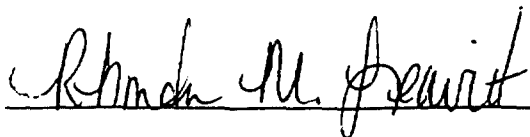
STATE OF MICHIGAN)
) ss.
COUNTY OF INGHAM)

DENISE PEARL, being first duly sworn, deposes and says that on January 14,
1997 she served a copy of the corrected joint submission, by depositing the same in the U.S.
Mails, enclosed in a sealed envelope with first-class postage fully prepaid, addressed as follows:

Joseph A. Fink, Esq.
Dickinson, Wright, et al
215 S. Washington Square
Suite 200
Lansing, MI 48933


Denise Pearl

Subscribed and sworn to before me
this 14th day of January, 1997.



RHONDA M. LEAVITT
Notary Public, Clinton County, MI Acting in Ingham
My Commission Expires Apr. 21, 2000